

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

BRIAN P. BOYD and
GIOMARIS BOYD,

Debtors

Case No. B-09-81876 C-7D

**MOTION FOR EXTENSION OF TIME
FOR FILING § 707(b)(3) MOTION TO DISMISS**

The undersigned United States Bankruptcy Administrator ("BA") for the Middle District of North Carolina, pursuant to Rules 1017(e) and 9006(b) of the Federal Rules of Bankruptcy Procedure, moves the Court for an order extending of the time period in which a motion to dismiss this case may be filed pursuant to Section 707(b)(3) of the Bankruptcy Code.

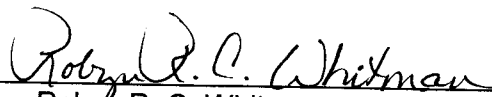
In support of the motion, the undersigned shows the Court the following:

1. On October 22, 2009, the Debtors, Brian P. Boyd and Giomaris Boyd ("Debtors"), filed a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. As required by 11 U.S.C. § 704(b)(1)(A), the BA filed a Statement of No Presumed Abuse on November 30, 2009, based on the petition and schedules filed by the Debtor and the information obtained at and since the § 341 Meeting of Creditors on November 20, 2009.
3. A motion to convert this case to a case under Chapter 13 was filed by the Debtors on December 23, 2009 and has been scheduled for hearing on January 21, 2010. The BA does not oppose conversion of the case, but the hearing date for the Debtor's motion falls after the deadline to request a § 707(b) dismissal of this case, which is the date of this motion.
4. For these reasons, the BA requests a fifteen-day extension of time, through and including February 3, 2010, to file any § 707(b)(3) motion to dismiss this case. The BA makes this request in the hope that an order will be entered before February 15, 2010 converting this case to a case under Chapter 13.

WHEREFORE, the undersigned hereby requests that the Court enter an order extending through February 3, 2010 the time within which a motion to dismiss may be filed pursuant to 11 U.S.C. § 707(b)(3).

DATED: January 19, 2010.

MICHAEL D. WEST
U.S. BANKRUPTCY ADMINISTRATOR

By 
Robyn R. C. Whitman
N.C. State Bar No. 16325
Post Office Box 1828
Greensboro, NC 27402
(336) 358-4170

CERTIFICATE OF SERVICE

This is to certify that the **MOTION FOR EXTENSION OF TIME FOR FILING MOTION TO DISMISS** was duly served on the date set forth below upon each of the following, either by electronic means (if registered on CM/ECF) or by depositing a copy in the United States mail, first class, postage prepaid, addressed as follows:

John T. Orcutt, Esq.
6616-203 Six Forks Road
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Chapel Hill, NC 27515-2208

DATED: January 19, 2010.

U.S. BANKRUPTCY ADMINISTRATOR

By: 
Robyn R. C. Whitman